

Rebuttal Testimony of Robert L. Reiter

1. Points of Diversion Upstream of Seven Oaks Dam

On May 2, Ms. McCue had a question regarding our points of diversion upstream of the Seven Oaks Dam. Muni/Western's water right applications contain multiple diversion points upstream of the Seven Oaks Dam. These points are the SCE river pickup points for the SAR powerhouses. Instead of diverting water below Seven Oaks Dam, Muni/Western can divert water at the higher elevation of the SAR 2/3 Powerhouse (formerly Powerhouse No. 3) Forebay. The purpose for utilizing diversion points at this location is to take advantage of a higher elevation point for gravity deliveries and in turn to save the energy costs related to pumping.

2. Minimum Wastewater Deliveries

Also on May 2, a question arose about the potential for a reduction in wastewater flows in Segment F below the RIX/Rialto outflows, with a potential impact on riparian habitat. To ensure meeting its minimum base flow obligations to Riverside Narrows under the *Orange County* Judgment, Muni entered into contracts with the Cities of San Bernardino and Colton for minimum annual deliveries of treated wastewater from their respective treatment plants. The contract with San Bernardino obligates it to deliver no less than 16,000 acre-feet of wastewater to the Santa Ana River channel each year. The contract with Colton obligates it to deliver no less than 2,450 acre-feet of wastewater to the Santa Ana River channel each year. The total, 18,450 acre-feet per year, represents the minimum flows delivered to the Santa Ana River channel at RIX/Rialto that will be maintained through contracts with wastewater agencies.

3. Water Conservation at Seven Oaks

Testimony submitted by the Local Sponsors suggests that the U.S. Army Corps of Engineers has not authorized water conservation at Seven Oaks Reservoir. Attached hereto is a true and correct copy (with the exception of the words "Attachment 1" at the bottom) of a memorandum from Colonel Robert W. Burkhardt, Executive Director of Civil Works, dated 8 June 1998, which states, in relevant part: "the water conservation project [at Seven Oaks Dam and Reservoir] is expected to be implemented by the non-Federal sponsor and further authorization is not required." (Emphasis added). The memorandum continues, in relevant part:

1 “[i]f it is determined that Corps involvement is necessary to implement the water conservation
2 project, a post authorization change report will be required to support future agency decisions.”
3 (Emphasis added). I am not aware of any decision from Corps headquarters that supersedes this
4 memorandum.